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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,447	05/16/2006	Ikue Yamashita	060364	8452
23850	7590	08/13/2008	EXAMINER	
KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				WANG-HURST, KATHY W
4173		ART UNIT		PAPER NUMBER
08/13/2008		MAIL DATE		DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,447	YAMASHITA ET AL.	
	Examiner	Art Unit	
	KATHY WANG-HURST	4173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 May 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-4 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 16 May 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/16/2006 and 6/2/2008</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tani (US 2004/0092247)**, in view of **A5306ST Instruction Manual**, herein after referred as Instruction Manual, both cited by applicant's IDS.

Regarding claim 1, Tani discloses a mobile communication device having an openable/closable case, a plurality of operation units that are operable regardless of whether the case is opened or closed, and a locking function for disabling processing associated with operation of the operation units (**[0011]**), comprising:
an opened/closed detection unit operable to detect an opened/closed state of the case (**[0011]**);

Tani fails to disclose that a judging unit operable to judge whether a predetermined operation has been performed on at least one of the operation units with the case in a closed state and the locking function enabled. **Instruction Manual** teaches a mobile

phone that recognizes a key is pressed which triggers a pre-programmed operation, while the phone is locked and is in a closed state (**Pg. 211**).

Tani also fails to disclose an operation control unit operable, when the judging unit has judged in the affirmative, to enable processing associated with operation of at least one of the operation units. **Instruction Manual** teaches a mobile phone that enables processing operations once the key lock is temporarily disabled by pressing a key for more than 1 second (**Pg. 211**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the function to temporarily disable the key lock while the phone is in a closed state taught by **Instruction Manual** into the function disclosed by Tani in order to improve the functionality of the phone by providing users an easy and quick access to phone functions by temporarily disabling the key lock without unfolding the foldable mobile phone.

Regarding claim 4, Tani discloses a method for controlling a mobile communication device having an openable/closable case, a plurality of operation units that are operable regardless of whether the case is opened or closed, and a locking function for disabling processing associated with operation of the operation units, comprising the steps of: detecting an opened/closed state of the case (**[0011]**); Tani fails to disclose the mobile phone judging whether a predetermined operation has been performed on at least one of the operation units with the case in a closed state and the locking function enabled. **Instruction Manual** teaches a mobile phone that

recognizes a key is pressed which triggers a pre-programmed operation, while the phone is locked and is in a closed state (**Pg. 211**).

Tani also fails to disclose when the judging unit has judged in the affirmative, enabling processing associated with operation of at least one of the operation units. **Instruction Manual** teaches a mobile phone that enables processing operations once the key lock is temporarily disabled by pressing a key for more than 1 second (**Pg. 211**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the function to temporarily disable the key lock while the phone is in a closed state taught by Instruction Manual into the function disclosed by Tani in order to improve the functionality of the phone by providing users an easy and quick access to phone functions by temporarily disabling the key lock without unfolding the foldable mobile phone.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tani, in view of A5306ST Instruction Manual, further in view of **Teruyuki (JP2003320477)**, all cited by applicant's IDS.

Regarding claim 2, Tani (**[0011]**) and Instruction Manual (**page 22**) disclose the mobile communication device of claim 1, but both fails to disclose the mobile communication device wherein the operation control unit disables the enabled processing associated with operation of the at least one operation unit, if the at least one operation unit is not operated within a predetermined time period or if the case is opened. **Teruyuki** teaches a mobile phone that disables processing by enabling a key lock function after the phone

detects there is no operation after a certain period of time (**see English translation of the Abstract**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the automatic locking function taught by Teruyuki into the phone disclosed by Tani and Manual Instruction in order to enhance the functionality of the mobile phone by automatically locking the phone to prevent false key entries.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tani (US 2004/0092247), in view of A5306ST Instruction Manual, further in view of **Nagasawa (US6782281)**.

Regarding claim 3, Tani discloses the mobile communication device of claim 1, having a main screen operable to display information with the case in an opened state (**Fig. 7C**), but fails to disclose the mobile device further comprising a subscreen. Instruction Manual teaches a mobile phone which has a main display and further comprising: a sub-screen operable to display information with the case in a closed state (**see figures on page 22**), wherein

the operation units include a side key provided on a main body lateral surface (**see figures on page 22**), but fails to disclose a mobile phone having an operation unit provided on a same surface as the sub-screen. **Nagasawa** teaches a phone that has processing associated with operation of the operation unit provided on the same surface as the sub-screen (**Fig. 1A and 1B and col. 3 lines 49-65**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was

made to incorporate the processing associated with operation of the operations unit provided on the same surface as the subscreen taught by Nagasawa into the cell phone disclosed by Tani and Instruction Manual in order to enhance the functionality of the mobile phone by providing users with easy access to processing functions located on the surface of the folded phone.

Tani (**[0011]**) and Instruction Manual (**Pg. 211**) disclose processing associated with operation of the operation unit when the lock function is enabled, but both fail to disclose processing associated with operation of the operation unit provided on the same surface as the sub-screen is disabled. **Nagasawa** teaches a phone that has processing associated with operation of the operation unit provided on the same surface as the sub-screen (**Fig. 1A and 1B and col. 3 lines 49-65**). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate the processing associated with operation of the operations unit provided on the same surface as the subscreen taught by Nagasawa into the cell phone disclosed by Tani and Instruction Manual in order to enhance the functionality of the mobile phone by providing the users with processing functions located on the surface of the folded phone.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishihara (US 2002/0077079) discloses a mobile terminal and operation lock setting method for enabling easy use of operation lock function.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571)270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 4173

/Benny Q Tieu/
Supervisory Patent Examiner, Art Unit 4173